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RE: TMDL for Chesapeake (Doc ID EPA-R03-0W-2010-0736-0001)

I would like to submit comments on why the TMDL Cap Load Allocations need to be revised.

1. The draft TMDL is inequitable, unattainable, and threatens to be punitive to NY's economy, residents, and communities without markedly improving water quality for the Chesapeake Bay.
2. TMDL regulation imposes disproportionately heavier restrictions for water quality in NY in order to help other states meet their overall TMDL goal. Even if the other states achieve their EPA mandated allocations by 2025, their water would still contain more N and P (per unit volume) than NY has at the present.
3. The Department of Environmental Conservation developed a reasonable WIP for BMP implementation that considers budget limitations for NY. The draft WIP is based on realistic estimates of technical and financial support that may be available for ag BMPs through 2025. However, The EPA nutrient and sediment allocations and backstop mandates are unattainable, extremely costly, with minimal nutrient reduction benefits and impact on water quality in the Bay.
4. The Model does not have the accuracy necessary to predict loads. There are many assumptions combined with a lack of testing with independent data that is used to generate numbers. The CBP own Associate Director of Science admits that there is no single number that reflects accuracy and that there is no confidence interval to indicate the reliability of the estimates they generate. Good models are able to determine the accuracy of model predictions by plugging in independent data to test them.
5. NY differs from the lower states in the watershed in many ways. These differences are not properly addressed in the model. NY water has a very low nutrient content compared to the other states. NY's portion of the watershed saw an increase in forest cover from 1985 through 2010 while its population and agricultural operations decreased. Furthermore, farms in the NY watershed practice low intensity agriculture with a large land base and implement progressive natural resource management programs that exceed federal standards.

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